UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,619	10/24/2003	Matthew Izzo	10030598	7194

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EXAMINER
FORD, GRANT M

ART UNIT	PAPER NUMBER
2141	

MAIL DATE	DELIVERY MODE
08/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/691,619	IZZO, MATTHEW
	Examiner	Art Unit	
	GRANT FORD	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 April 2008</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-42</u> is/are pending in the application.

4a) Of the above claim(s) <u>5,7,11,15-17,19-21,26,28,32,36-38 and 40-42</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-4,6,8-10,12-14,18,22-25,27,29-31,33-35, and 39</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Applicant's election without traverse of Group 1, Species 1 in the reply filed on

4/30/2008 is acknowledged.

        Claims 5,7,11,15-17,19-21,26,28,32,36-38, and 40-42 are withdrawn from further

consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group 1,

Species 2, there being no allowable generic or linking claim. Election was made

without traverse in the reply filed on 4/30/2008.

Response to Arguments

2.   Applicant's arguments filed 12/18/2007, with respect to the prior art of Yemini

have been fully considered and are persuasive. Therefore, the rejection has been

withdrawn. However, upon further consideration, a new ground(s) of rejection is made

in view of Yemeni in view of Wang as outlined below.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

        (a) A patent may not be obtained though the invention is not identically disclosed or described as set
        forth in section 102 of this title, if the differences between the subject matter sought to be patented and
        the prior art are such that the subject matter as a whole would have been obvious at the time the
        invention was made to a person having ordinary skill in the art to which said subject matter pertains.
        Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-4,6,8-10,12-14,18,22-25,27,29-31,33-35, and 39 are rejected under 35

U.S.C. 103(a) as being unpatentable over Yemini et al. (WO 95/32411), hereinafter

referred to as Yemini, in view of Wang et al. (6,757,242), hereinafter referred to as

Wang.

        a.   As per claims 1 and 22, Yemini discloses a method for automatically

analyzing network events, comprising:

                generating a matrix that illustrates relationships between a plurality of

network events and a focal event from the plurality of network events or that illustrates

relationships between a plurality of network objects and a focal object from the plurality

of network objects (Page 15 paragraph 6 through Page 16 paragraph 3); and

                automatically analyzing the matrix by evaluating at least one event vector

(Page 16 Paragraphs 2-3). However, the prior art of Yemini fails to explicitly disclose

wherein the illustrated relationships are distance relationships.

                Wang teaches the generation of a matrix which illustrates distance

relationships between a plurality of network objects and a focal object from the plurality

of network objects (Abstract, Figures 4 and 10, Algorithms 1 and 3, Col. 8 lines 11-38).

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to incorporate the use of distance metrics in the field of fault

tolerant computing with the matrix generation of Yemini. One of ordinary skill in the art

would have done so for the purpose of maintaining a hop count to illustrate the

respective distance between network objects (Algorithms 1 and 3).

      b.   As per claims 2 and 23, Yemini discloses wherein the matrix is based in part on a resource topology or an event topology (Page 15 paragraph 6 through Page 16 paragraph 1).

      c.   As per claims 3 and 24, Yemini discloses wherein the matrix illustrates connectivity relationships among the plurality of network objects (Page 28 Paragraphs 1-2).

      d.   As per claims 4 and 25, Yemini discloses wherein the matrix illustrates dependency relationships among the plurality of network objects (Page 28 Paragraphs 1-2).

      e.   As per claims 6 and 27, Yemini and Wang teach the invention substantially as claimed above. However, the prior art of Yemini fails to explicitly disclose wherein the illustrated matrix relationships are relative distance relationships.

      Wang teaches wherein the matrix illustrates a relative distance among the plurality of network events or the plurality of network objects (Abstract, Figures 4 and 10, Algorithms 1 and 3, Col. 8 lines 11-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of relative distance metrics in the field of fault tolerant computing with the matrix generation of Yemini. One of ordinary skill in the art would have done so for the purpose of maintaining a hop count to illustrate the respective distance between network objects (Algorithms 1 and 3).

f.   As per claims 8 and 29, Yemini discloses applying event-specific or
object-specific rules or policies to a result of the analysis of the matrix (Page 19
paragraphs 1-2).

g.   As per claims 9 and 30, Yemini discloses wherein the matrix is populated
with identifiers of the plurality of network objects or identifiers of the plurality of network
events (Page 19 paragraphs 1-2).

h.   As per claims 10 and 31, Yemini discloses wherein the at least one event
vector is a set of network events from the plurality of network events along a path of
related network objects from the plurality of network objects (Page 16 paragraph 2).

l.   As per claims 12 and 33, Yemini discloses wherein the automatic
analyzing comprises a dependency analysis, which comprises locating common
dependencies among the plurality of network objects (Page 28 paragraph 4 through
Page 29 paragraph 1).

m.   As per claims 13 and 34, Yemini discloses wherein the automatic
analyzing comprises an impact analysis, which comprises determining which of the
plurality of network objects are affected by the focal event (Page 28 - see table).

n.   As per claims 14 and 35, Yemini discloses wherein the automatic
analyzing comprises a predictive analysis, which comprises determining which of the
plurality of network objects would be affected by a hypothetical focal event (Page 15
paragraph 6 though Page 16 paragraph 3).

o.   As per claims 18 and 39, Yemini additionally discloses wherein the
displaying is static or dynamic (Page 21 paragraph 5 through Page 22 paragraph 2).

The Examiner notes that the displaying is inherently either static or dynamic by

definition.

Conclusion

5.   The prior art made of record but not relied upon is considered pertinent to

Applicant's disclosure –

        Brodie et al. (Intelligent probing: A cost-effective approach to fault diagnosis in

computer networks).

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to GRANT FORD whose telephone number is (571)272-

8630. The examiner can normally be reached on 8-5:30 Mon-Thurs alternating Fridays.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. F./
Examiner, Art Unit 2141

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2141